

Caroline A. Morgan
Fox Rothschild LLP
100 Park Avenue, 15th Fl.
New York, NY 10017
Telephone: 212-878-7900

Jeffrey S. Kravitz (admitted *pro hac vice*)
Rom Bar-Nissim (admitted *pro hac vice*)
Fox Rothschild LLP
1800 Century Park East, Suite 300
Los Angeles, California 90067-1506
Telephone: 310-598-4150
Attorneys for Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MATT HOSSEINZADEH,

Plaintiff,

– vs –

ETHAN KLEIN and HILA KLEIN,

Defendants.

Civ. 16-cv-3081 (KBF)

**DEFENDANTS' NOTICE OF MOTION
FOR JUDGMENT ON THE PLEADINGS
PURSUANT TO FED. R. CIV. P. 12(c)**

For the reasons set forth in the accompanying Memorandum of Law, Defendants Ethan and Hila Klein (collectively, “Defendants”) respectfully move pursuant to Fed. R. Civ. P. 12(c) for dismissal of all claims asserted against them in Matt Hosseinzadeh’s (“Plaintiff”) Second Amended Complaint (“SAC”). This Motion relies, in part, on 17 U.S.C. § 107.

In support thereof, Defendants have concurrently filed a letter request to this Court to grant them leave to file a DVD containing the three YouTube videos at issue in this case: (1) Plaintiff’s short film *Bold Guy vs. Parkour Girl* (“Work”); (2) Defendants’ reaction video to

Plaintiff's Work, entitled *The Big, the BOLD, the Beautiful* ("Critique Video"); and (3) Defendants' video containing the alleged defamatory statement entitled *We're Being Sued* ("Lawsuit Video"). As established in Defendants' letter request and accompanying Memorandum of Law, Plaintiff incorporated these exhibits by reference in his SAC.

PLEASE TAKE NOTICE that opposition to the Motion will be electronically filed by December 30, 2016, and a reply, if any, will be electronically filed by January 6, 2017.

WHEREFORE, Defendants respectfully request that this Court grant this Motion for Judgment on the Pleadings. A proposed order has been filed concurrently.

DATED: December 16, 2016

FOX ROTHSCHILD LLP

By: /s/ Jeffrey S. Kravitz
Caroline A. Morgan
Fox Rothschild LLP
100 Park Avenue, 15th Fl.
New York, NY 10017
Telephone: 212-878-7900
Fax: 212-692-0940

Jeffrey S. Kravitz (admitted *pro hac vice*)
Rom Bar-Nissim (admitted *pro hac vice*)
Fox Rothschild LLP
1800 Century Park East, Suite 300
Los Angeles, CA 90067-1506
Telephone: 310-598-4150
Facsimile: 310-556-9828
Attorneys for Defendants